

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

NO. 11CR 00022 JD

V.

JOSE REYES

MOTION TO CONTINUE

NOW COMES the accused, Jose Reyes, by and through counsel, and hereby moves this Court to continue his December 13, 2011 trial for a period of ninety (90) days.

In support of this Motion, the accused states as follows:

1. The accused is scheduled to appear in this Court on December 13, 2011 for trial.
2. However, at present, it appears that the accused, if convicted, could be found to be a career offender based on convictions from the Roxbury District Court and the Suffolk County Superior Court. The undersigned counsel is currently investigating the validity of those convictions and whether or not there may be a basis for a Motion for New Trial in those cases. In the event one of these convictions was vacated, the accused would no longer be in danger of being found to be a career offender. Whether or not the accused is a career offender will have a significant impact on the accused's decision as to whether he should enter a plea or proceed to trial.
3. The undersigned counsel requires additional time to investigate these issues.
4. In addition, the undersigned counsel has a trial scheduled in the Dorchester District Court in Commonwealth v. Landry. The complaining witness in the Landry case is in her mid 80s and the undersigned counsel is of the understanding, based upon information and belief, that the Commonwealth would oppose a continuance of the Landry case.

5. The United States Attorney's Office assents to this Motion.
6. The basis for the ninety day continuance request is that the undersigned counsel has a first degree murder trial scheduled to commence in the Hillsborough County Superior Court North on January 17, 2011 in the case of State v. Michael Sullivan. Mr. Sullivan's trial is expected to last approximately one month.
7. In addition, the undersigned counsel is scheduled for vacation the week of February 27, 2011.
8. That the accused is aware of the within Motion.

WHEREFORE, the accused respectfully requests that this Court grant the within Motion.

Respectfully submitted,  
Jose Reyes,  
By his Attorney,

Date: November 21, 2011

/S/Paul J. Garrity  
Paul J. Garrity  
14 Londonderry Road  
Londonderry, NH 03503  
434-4106  
Bar No. 905

#### CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 21<sup>st</sup> day of November, 2011, a copy of the within was e filed to the United States Attorney's Office and all counsel of record and mailed, postage prepaid, to Jose Reyes.

/S/Paul J. Garrity  
Paul J. Garrity